

PROB 12B
(7/93)

United States District Court
for
District of New Jersey
Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Rodolfo Irizarry

Cr.: 02-00770-003
PACTS Number: 34018

Name of Sentencing Judicial Officer: The Honorable Faith S. Hochberg

Date of Original Sentence: 06/16/04

Original Offense: Conspiracy to Distribute More than 1 Kilogram of Heroin

Original Sentence: 39 Months; 5 Years TSR

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/29/05

PETITIONING THE COURT

- ☐ To extend the term of supervision for Years, for a total term of Years.
☒ To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall refrain from the use of alcohol and shall submit to testing to ensure compliance. It is further ordered that the defendant submit to evaluation and treatment as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.

The defendant shall reside for a period of 2 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

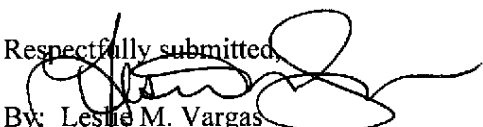
CAUSE

On May 16, 2009, the offender was arrested by the Woodbridge Police Department for Driving Under the Influence. This matter remains pending in the Woodbridge Municipal Court. On June 9, 2009, the offender admitted to the undersigned that he was drinking and driving the night he was arrested. According to the Arrest/Investigation Report, the offender's blood alcohol results were .15%. Furthermore, the arresting officer observed the offender swaying, rambling, having slurred speech, and with watery/bloodshot eyes.

In addition, Irizarry failed to notify the undersigned of his arrest within 72 hours, which constitutes another violation of his supervision conditions.

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Rodolfo Irizarry

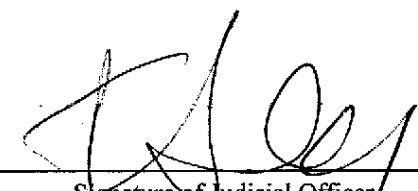
Respectfully submitted,

By: 
U.S. Probation Officer

Date: 06/30/09

THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above
- ☐ The Extension of Supervision as Noted Above
- ☐ No Action
- ☐ Other



Signature of Judicial Officer

7/8/09

Date

PROB 49
(3/89)

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

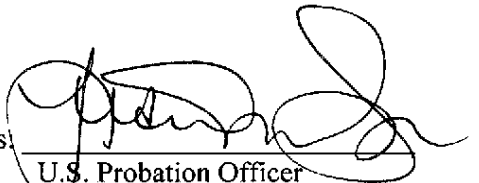
I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall refrain from the use of alcohol and shall submit to testing to ensure compliance. It is further ordered that the defendant submit to evaluation and treatment as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.

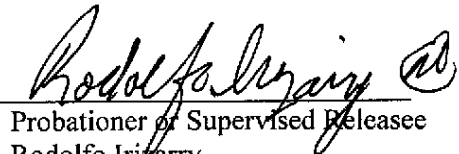
The defendant shall reside for a period of 2 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall not be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

Witness:



U.S. Probation Officer
Leslie M. Vargas

Signed:



Probationer or Supervised Releasee
Rodolfo Iriary

6.30.09

DATE